

Merit System Board

**MINUTES OF REGULAR MEETING OF
THE MERIT SYSTEM BOARD**

June 23, 2004

**Margaret E. L. Howard, Presiding
Flavella Branham
John Currie
Robert J. Long**

JUNE 23, 2004

A regular meeting of the Merit System Board was held on Wednesday, June 24, 2004, in Trenton, New Jersey.

PRESENT: Margaret E. L. Howard, Presiding Merit System Board Member; Merit System Board Members, Flavella Branham, John Currie, and Robert J. Long; Pamela Ullman, Deputy Attorney General; and Elizabeth Napolitano, Acting Assistant Director, Division of Merit System Practices and Labor Relations.

In accordance with L.1975, c.231, Presiding Board Member Margaret E.L. Howard opened the meeting with the following statement:

Notice of this meeting was filed with the Secretary of State and sent to the Trentonian, Trenton Times, Courier-Post and Star Ledger on December 11, 2003, and posted at the Department of Personnel, 3 Station Plaza, Trenton, New Jersey.

All actions were by unanimous vote unless otherwise specified.

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The Merit System Board recorded the recommended changes in the State Classification Plan, copies of which are attached hereto and made a part hereof.

DATE: April 29, 2004

TO: Ida L. Castro, Commissioner
Department of Personnel

FROM: Elizabeth Van Marter, Director
Human Resource Management

SUBJECT: Change in the State Classification Plan

DEPARTMENT OF THE TREASURY AND GENERAL TITLES

The Department of the Treasury requests the creation of two new Trainee titles to address workweek and compensation issues.

The Department of the Treasury employs auditors in both the office and the field, each having multiple workweeks. Field staff are compensated at one range higher than those working in the office. The Department requires the use of two new Trainee titles to accommodate both types of assignment and workweeks.

ADDITION OF WORKWEEKS

Effective: 05/01/04

Auditor Accountant Trainee
P95-_____ Competitive * 35/12

Auditor Taxation Trainee
P95-_____ Competitive D 35/12

DATE: April 22, 2004

TO: Ida L. Castro, Commissioner
Department of Personnel

FROM: Elizabeth Van Marter, Director
Human Resource Management

SUBJECT: Change in the State Classification Plan

LAW AND PUBLIC SAFETY AND GENERAL TITLES

The Department of Law and Public Safety recently requested and received approval for the establishment of several intermittent titles for the New Jersey Racing Commission. These titles were required to classify staff performing inspection and veterinary functions. The intermittent titles will be used in lieu of Temporary Employment Service (TES) titles, which are restricted to a specific number of working hours per fiscal year.

These titles were inadvertently assigned to the competitive division of the career service. These titles should have been assigned to the non-competitive division of the career service in accordance with Department regulations.

CORRECTION OF CLASS OF SERVICE

Effective: 01/24/04

FROM:

Intermittent Veterinarian
P26-____ Competitive * NL/12
NL/12

Intermittent Senior Veterinarian
P29-____ Competitive * NL/12
NL/12

Intermittent Inspector Animal Health
I11-____ Unclassified C 35/12
35/12

Intermittent Inspector 1, NJRC

TO:

Intermittent Veterinarian
P26-____ Non-Competitive *

Intermittent Senior Veterinarian
P29-____ Non-Competitive *

Intermittent Inspector Animal Health
I11-____ Non-Competitive C

Intermittent Inspector 1, NJRC

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R20-____ Unclassified C 40/12
40/12

R20-____ Non-Competitive C

Intermittent Inspector 2, NJRC
I16-____ Unclassified C 40/12
40/12

Intermittent Inspector 2, NJRC
I16-____ Non-Competitive C

DATE: May 4, 2004

TO: Ida L. Castro, Commissioner
Department of Personnel

FROM: Elizabeth Van Marter, Director
Human Resource Management

SUBJECT: Change in the Classification Plan

GENERAL

The Office of Information Technology (OIT) requests the creation of a new, Department-specific title series to consolidate the functions currently classified by the Data Processing Programmer and Data Processing Analyst variant series assigned to OIT. These variant titles formerly classified different functions; the functions have evolved over the years to the extent that there are virtually no distinctions between them. The new titles will be patterned after the existing series to include the same class code and class of service as the existing levels. Two of the new titles will be assigned different workweeks to coincide with the office work schedule. OIT, Shared Services and Classification Staff have collaborated to develop a series that accurately classifies the work of the incumbents.

OIT requests the lateral appointment of existing incumbents with retention of existing status, since the new titles are the same class code. Some employees will receive a one-range increase due to the difference in workweek. However, some of the provisional incumbents may not meet the higher requirements for the new titles to which they will be appointed. To avoid an adverse impact on those potentially affected, we request that all current provisionals be permitted to sit for their respective promotional exams regardless of whether they meet the new education requirements. We further request that all incumbents to be appointed to the title of Software Development Specialist 2 be considered eligible for the next promotional examination for the title of Software Development Specialist 3, on a one-time basis, regardless of whether they meet the new education requirement.

All variant titles assigned to OIT will be eliminated once the incumbents are appointed to the new series. The appropriate negotiations representatives have been notified and are in support of this request.

ADDITION OF TITLES FOR CONSOLIDATION

Effective: 04/03/04

Software Development Specialist
Assistant

A17-_____ Non-Comp 35/12

Software Development
Specialist 2

P26-_____ Competitive NL/12

Software Development Specialist 1
P21-_____ Non-Comp 3E/12Software Development
Specialist 4

P31-_____ Competitive NL/12

Software Development Specialist 3
R29-_____ Competitive NL/12**FROM:**Data Processing Programmer Assistant
A17-53271 Non-Comp * 35/12**TO:**Software Development
Specialist Assistant

A17-_____ Non-Comp D 35/12

Data Processing Programmer 3
P21-53262 Non-Comp * 35/12Software Development
Specialist 1P21-_____ Non-Comp D 3E/12Data Processing Analyst 2, OIT
P26-53244C Comp D NL/12Software Development
Specialist 2

P26-_____ Competitive NL/12

Data Processing Programmer 2, OIT
P25-53263C Comp D 35/12Software Development
Specialist 2

P26-_____ Competitive NL/12

Data Processing Programmer 1, OIT
R29-53264C Comp D NL/12Software Development
Specialist 3R29- _____ Competitive D
NL/12Data Processing Analyst 1, OIT
R29-53245C Comp D NL/12Software Development
Specialist 3R29- _____ Competitive D
NL/12

ELIMINATION OF TITLES

Effective: 04/03/04

Data Processing Programmer 2, OIT Data P25-53263C Comp D 35/12	Data Processing Analyst 2, OIT P26-53244C Comp D NL/12
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Data Processing Programmer 1, OIT R29-53264C Comp D NL/12	Data Processing Analyst 1, OIT R29-53245C Comp D NL/12
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WITHDRAWAL OF APPEALS

The following appeals were withdrawn and removed from the hearing calendar:

Derrick Davis, County Correction Officer, Department of Public Safety, County of Essex, suspension.

Eloy Espinal, Senior Correction Officer, East Jersey State Prison, Department of Corrections, suspension.

James Oghoghome, Senior Claims Adjudicator, Disability Determinations, Department of Labor, suspension.

Kevin Rhoads, Truck Driver, Highway Department, County of Monmouth, suspension.

Arthur Rossky, Auditor 3, Taxation, Department of Treasury, removal.

Edward Sallustro, Laborer, Department of Public Works, Town of Kearny, suspensions and two removals.

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

In the Matter of Maurice Barnard
Newark School District
Removal

In the Matter of Laurence Berman
County of Union
Department of Human Services
Resignation not in good standing

In the Matter of Michael Dalia
Township of Woodbridge
Police Department
Suspension

In the Matter of Skyler T. Davies
Greystone Park Psychiatric Hospital
Department of Human Services
Release at the end of the working test period

In the Matter of Dr. Russel E. Greco, Jr.
City of Newark
Police Department
Removals (10)

In the Matter of Debra Hall
County of Burlington
Burlington Jail
Suspension

In the Matter of Alfred Harris
Central Reception and Assignment Facility
Department of Corrections
Suspensions (2)

In the Matter of Thomas Himes
Judiciary Vicinage
Gloucester County
Suspension

In the Matter of Maria Meredith
County of Ocean
Department of Corrections
Release at the end of the working test period

In the Matter of Sean Pringle
Borough of Belmar
Department of Public Safety
Suspension

**RECOMMENDATION OF THE ADMINISTRATIVE LAW JUDGE IN THE
ABOVE CASES – SETTLEMENT**

ACTION: The Merit System Board acknowledged the settlements.

A-2 LEO BENDE

Leo Bende, County Correction Officer, County of Burlington, County Jail, 20-day suspension on charges of incompetency, inefficiency or failure to perform duties, neglect of duty and other sufficient cause.

Recommendation of the Administrative Law Judge – Uphold the 20-day suspension.

ACTION: The Merit System Board affirmed the recommendation of the Administrative Law Judge.

A-3 RICHARD PALUMBO

Richard Palumbo, a Sergeant First Class with the Division of State Police, Department of Law and Public Safety appeals the determination of the Attorney General stating that he failed to present sufficient evidence to support a finding that he had been subjected to a violation of the New Jersey State Policy Prohibiting Discrimination, Harassment or Hostile Environments in the Workplace. It is noted that at the time of the complaint the appellant was promoted to the title of Sergeant First Class effective July 3, 1999.

Recommendation of the Administrative Law Judge – Deny the appeal.

ACTION: The Merit System Board affirmed the recommendation of the Administrative Law Judge.

A-4 MARY E. CORNISH

Mary E. Cornish, Cottage Training Technician, Woodbine Developmental Center, Department of Human Services, removal effective December 13, 2002, on the charge of physical abuse of a client.

Recommendation of the Administrative Law Judge – Reverse the removal.

ACTION: The Merit System Board affirmed the recommendation of the Administrative Law Judge.

A-5 SIDNEY S. GOFFNEY

Sidney S. Goffney, Police Officer, City of Camden, removal effective October 10, 2001, on charges of violation of the rules and regulations of the Camden City Police Department and conduct unbecoming a public employee.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION: The Merit System Board affirmed the recommendation of the Administrative Law Judge.

A-6 BRETT HAUSER

Brett Hauser, Senior Correction Officer, South Woods State Prison, Department of Corrections, two removals effective March 25, 2003, on charges of conduct unbecoming a public employee and insubordination.

Recommendation of the Administrative Law Judge – Uphold the two removals.

ACTION: The Merit System Board affirmed the recommendation of the Administrative Law Judge.

A-7 JOSEPH LANIER, JR

Joseph Lanier, Police Officer, Police Department, 173-day suspension and removal effective March 22, 2001, on the charge of being unfit for duty.

Recommendation of the Administrative Law Judge – Uphold the removal. It is noted that although the ALJ upheld the charge, she made no discrete finding with regard to the penalty of the 173-day suspension.

ACTION: The Merit System Board affirmed the recommendation of the Administrative Law Judge.

A-8 MATTHEW VASSAR

Matthew Vassar, Laborer, Township of Jackson, Department of Public Works, removal effective September 3, 2002, on charges of chronic or excessive absenteeism and neglect of duty.

Recommendation of the Administrative Law Judge – Reverse the removal.

ACTION: The Merit System Board affirmed the recommendation of the Administrative Law Judge.

A-9 EUGENE VERDELL, JR.

Eugene Verdell, Jr., Residential Living Specialist, Department of Military and Veterans Affairs, removal effective April 18, 2002, on charges of inability to perform duties and performance.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION: The Merit System Board directed that this matter be held over.

A-10 IVORY WARD (REMAND)

Ivory Ward, Senior Youth Worker, Military and Veteran's Affairs, removal effective February 9, 2001, on charges of contributing to an elopement or escape and neglect of duty, loafing, idleness or willful failure to devote attention to tasks which could result in danger to persons or property and falsification.

Recommendation of the Administrative Law Judge – Modify the removal to a six-month suspension.

ACTION: The Merit System Board affirmed the recommendation of the Administrative Law Judge.

SECTION B – MISCELLANEOUS MATTERS

B-1 TRACEY BURNS

Tracey Burns, represented by David J. DeFillippo, Esq., appeals her rejection as Police Officer candidate by the Township of Woodbridge and its request to remove her name from the eligible list for Police Officer (S9999D) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION: The Merit System Board directed that this appeal be denied.

B-2 SERGIO CUNHA

Sergio Cunha, represented by Charles M. Grossman, Esq., appeals his rejection as a Police Officer candidate by the City of Newark and its request to remove his name from the eligible list for Police Officer (S9999A) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION: The Merit System Board directed that this appeal be granted.

B-3 JUSTIN DELANEY

Justin Delaney, represented by Sidney H. Lehmann, Esq., appeals his rejection as a Police Officer candidate by Brick Township and its request to remove his name from the eligible list for Police Officer (S9999B) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION: The Merit System Board directed that this appeal be granted.

B-4 JEFFREY L. JOHNSON

Jeffrey L. Johnson, represented by Robert R. Cannan, Esq., appeals his rejection as Police Officer candidate by the Borough of Roselle and its request to remove his name from the eligible list for Police Officer (S9999B) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION: The Merit System Board directed that this appeal be denied.

B-5 NATHANIEL JOHNSON, III

Nathaniel Johnson, III, represented by Stephen Schnitzer, Esq., appeals his rejection as a Correction Officer Recruit candidate by the Department of Corrections and its request to remove his name from the eligible list for Correction Officer Recruit (S9999D) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION: The Merit System Board referred the matter for an independent psychological evaluation.

B-6 LONNIE LEMON

Lonnie Lemon, represented by Malee L. Wing, Esq., appeals his rejection as a Police Officer candidate by the City of East Orange and its request to remove his name from the eligible list for Police Officer (S9999D) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION: The Merit System Board directed that this appeal be denied.

B-7 RICHARD A. MASELLI

Richard A. Maselli, represented by Thomas Vitolo, Esq., appeals his rejection as a Police Officer candidate by the Township of Irvington and its request to remove his name from the eligible list for Police Officer (S9999D) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION: The Merit System Board directed that this appeal be denied.

B-8 JOHN C. MOLNAR

John C. Molnar, represented by John J. Marinar, Esq., appeals his rejection as a Sheriff's Officer candidate by the County of Monmouth and its request to remove his name from the eligible list for Sheriff's Officer (S9999D) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION: The Merit System Board directed that this appeal be denied.

B-9 MICHAEL A. COLEMAN

Michael A. Coleman, a Senior Correction Officer with the Garden State Reception and Youth Correctional Facility, Department of Corrections, appeals the denial of sick leave injury (SLI) benefits.

ACTION: The Merit System Board directed that this appeal be granted in part.

B-10 DOROTHY FLOWERS

Dorothy Flowers, a Program Technician with the Department of the Treasury, appeals the denial of sick leave injury (SLI) benefits.

ACTION: The Merit System Board directed that this appeal be granted in part.

B-11 VICTOR KLIMA

Victor Klima, a Senior Correction Officer with East Jersey State Prison, Department of Corrections, represented by Henry J. Cistrelli, Esq., appeals the denial of sick leave injury (SLI) benefits.

ACTION: The Merit System Board directed that this appeal be denied.

B-12 VIRGINIA LAVERY-HEIM

Virginia Lavery-Heim, a Senior Accident Record Reviewer with the Department of Transportation, appeals the denial of sick leave injury (SLI) benefits.

ACTION: The Merit System Board directed that this appeal be denied.

B-13 MUHAMMAD ABDUL-RAHEEM

Muhammad Abdul-Raheem, represented by Andrew J. Schragger, Esq., appeals the decision of Human Resource Information Services which found that the Juvenile Justice Commission had presented a sufficient basis to remove the appellant's name from the Correction Officer Recruit, Juvenile Justice (S9999D), Juvenile Justice Commission, eligible list due to an unsatisfactory driving record.

ACTION: The Merit System Board directed that this appeal be denied.

B-14 MARITZA CORTES

Maritza Cortes appeals the decision of Human Resource Information Systems (HRIS) which removed her name from the eligible list for Police Officer (S9999D), City of Camden, due to the appellant's failure to appear for her interview.

ACTION: The Merit System Board directed that this appeal be granted.

B-15 GILBERT EWIN, JR.

Gilbert Ewin, Jr., appeals the decision of Human Resource Information Services which upheld the removal of his name from the County Correction Officer (S9999D), Atlantic County, eligible list due to the falsification of his employment application.

ACTION: The Merit System Board directed that this appeal be denied.

B-16 KEVIN LEWIS

Kevin Lewis appeals the decision of Human Resource Information Services (HRIS) which upheld the appointing authority's bypass of his name on a certification of the Communications Operator (S0188E), Department of Human Services, eligible list.

ACTION: The Merit System Board directed that this appeal be denied.

B-17 WAYNE ROESCH

Wayne Roesch, a Police Officer with the City of Jersey City, represented by George T. Taite, Esq., petitions the Merit System Board for interim relief in relation to his immediate suspension commencing on October 28, 2002.

ACTION: The Merit System Board denied the request for interim relief but granted a hearing regarding the merits of the disciplinary charges.

B-18 VICKI SUTTON

Vicki Sutton, a Senior Correction Officer at South Woods State Prison, Department of Corrections, represented by John P. Morris, Esq., petitions the Merit System Board for interim relief in relation to her indefinite suspension, commencing on February 27, 2003, and her removal, effective December 6, 2003.

ACTION: The Merit System Board denied the request for interim relief.

B-19 LEISHEL WOODS

Leishel Woods, a Family Service Specialist 2 with the Division of Youth and Family Services, Department of Human Services, represented by Sharol Richards, Staff Representative, CWA Local 1039, petitions the Merit System Board (Board) for interim relief of her resignation not in good standing.

ACTION: The Merit System Board denied the request for interim relief.

B-20 NAEIL M. HAMDI

Naeil M. Hamdi, a Community Service Officer 3 with the Department of Community Affairs (DCA) appeals the determination of the Commissioner of Community Affairs, stating that the appellant failed to present sufficient evidence to support a finding that he had been subjected to violations of the New Jersey State Policy Prohibiting Discrimination, Harassment or Hostile Environments in the Workplace.

ACTION: The Merit System Board directed that this appeal be denied.

B-21 CYNTHIA REDUS-TARCHIS

Cynthia Redus-Tarchis, a Supervising Family Service Specialist 2 with the Division of Youth and Family Services, Department of Human Services (DHS), appeals the determination of the Assistant Commissioner for Human Resources, with the DHS, stating that the appellant failed to present sufficient evidence to support a finding that she had been subjected to violations of the New Jersey State Policy Prohibiting Discrimination, Harassment or Hostile Environments in the Workplace.

ACTION: The Merit System Board directed that this appeal be denied.

B-22 NORDICA THOMPSON

Nordica Thompson, a Family Service Specialist (FSS) 2 with the Division of Youth and Family Services (DYFS), Department of Human Services (DHS), appeals the determination of the Assistant Commissioner for Human Resources stating that she had been subjected to violations of the New Jersey State Policy Prohibiting Discrimination, Harassment or Hostile Environments in the Workplace (State Policy).

ACTION: The Merit System Board directed that this appeal be denied.

B-23 LISA EASLEY

The appointing authority petitions the Merit System Board for reconsideration of its decision rendered May 5, 2004, dismissing the appeals of Lisa Easley based on her failure to appear for a scheduled prehearing conference at the Office of Administrative Law.

ACTION: The Merit System Board granted the request for reconsideration and directed that the matter be transmitted to the Office of Administrative Law for further proceedings.

B-24 JASON LUKASZEWSKI

Jason Lukaszewski, represented by William Toolen, PBA Local 105, requests reconsideration of the final determination rendered by the Merit System Board on May 5, 2004, withdrawing his appeal for a ten-day suspension.

ACTION: The Merit System Board granted the request for reconsideration

B-25 JOHN CORRY SHORT

John Corry Short petitions the Merit System Board for reconsideration of its decision rendered December 3, 2003, which denied the requests of John Corry Short and William Costigan to revive the eligible list for Police Captain (PM3559A), City of Jersey City, in order to effectuate their appointments.

ACTION: The Merit System Board granted the request for reconsideration.

B-26 SENIOR LABORATORY TECHNICIAN (M1652C), CITY OF NEWARK

The City of Newark requests reconsideration of the decision rendered on January 7, 2004 by the Merit System Board (Board) in *In the Matter of Senior Laboratory Technician (M1652C), City of Newark*, which denied its request for an appointment waiver and ordered it to properly dispose of the September 11, 2001 certification within 30 days.

ACTION: The Merit System Board granted the request for reconsideration in part.

B-27 SHANE STREATER

The City of Camden, represented by Marc A. Riondino, Assistant City Attorney, petitions the Merit System Board (Board) for reconsideration of its decision rendered on January 28, 2004, which modified the removal of Shane Streater. Shane Streater petitions the Board for enforcement of its January 28, 2004 decision.

ACTION: The Merit System Board denied the request for reconsideration and granted the request for enforcement.

B-28 ROBERT OSLE

The Superior Court of New Jersey, Appellate Division, has reversed the suspension of Robert Osle and remanded the matter to the Merit System Board for further proceedings consistent with its decision.

ACTION: The Merit System Board acknowledged the Appellate Division decision and awarded back pay and counsel fees.

B-29 PATRICK LAGUERRE

Patrick Laguerre requests a permanent appointment as a Police Officer with the City of East Orange.

ACTION: The Merit System Board granted the request in part.

B-30 LORENZO ZACKERY

Lorenzo Zackery, a Sheriff's Officer with Essex County, represented by Anthony J. Fusco, Jr., Esq., petitions the Merit System Board for back pay, benefits, and counsel fees in accordance with a Stipulation of Agreement.

ACTION: The Merit System Board denied the request.

B-31 ANGELA WILLIAMS

Angela Williams, a Senior Correction Officer with the Department of Corrections represented by Anthony J. Fusco, Jr., Esq., petitions the Merit System Board for immediate reinstatement to her position, back pay, and counsel fees.

ACTION: The Merit System Board granted the request in part.

B-32 SUSAN CONNOLLY, ET AL.

Susan Connolly, Donna Green, and Gail Gregg, represented by James K. Wagoner, Staff Representative for CWA Local 1039, seek enforcement of the decisions of the Division of Human Resource Management that the proper classification of their positions is Secretarial Assistant 3, Non-Stenographic, Principal Clerk Typist and Secretarial Assistant 3, respectively.

ACTION: The Merit System Board acknowledged the settlement.

B-33 MICHAEL SEARLS

Michael Searls, represented by Daniel J. Zirrith, Esq., seeks enforcement of the Merit System Board's decision in *In the Matter of Patrick Grady and Michael Searls, Fire Fighter (M2160A), Township of Bloomfield* (decided September 10, 2002).

ACTION: The Merit System Board denied the request.

B-34 JOSEPH TREIBER

The Department of Transportation (DOT), represented by Wanda Y. Ortiz, DAG, petitions the Merit System Board for a stay of the Board's decision, rendered on February 25, 2004, in which the Board granted reconsideration, modified the removal of Joseph Treiber to a six-month suspension, and awarded modified back pay, benefits and seniority. Additionally, Joseph Treiber, represented by Arnold Shep Cohen, Esq., petitions the Board enforcement of that decision.

ACTION: The Merit System Board denied the request for a stay and granted the request for enforcement.

B-35 ALBERTA THOMAS-LAMPTEY

Alberta Thomas-Lampzey, a former Assistant District Parole Supervisor with the New Jersey State Parole Board, concerning her return to her former permanent title at the end of her working test period, effective April 22, 2002, was heard by Administrative Law Judge Steven C. Reback (ALJ), who rendered his initial decision on February 23, 2004. At its meeting on June 9, 2004, the Merit System Board adopted the ALJ's recommendation to uphold the appellant's return to her former permanent title. The proposed final decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the final decision.

VOTE:	Flavella Branhan	(No)
	John Currie	(Yes)
	Margaret E. L. Howard	(Yes)
	Robert J. Long	(Yes)

B-36 ROGER BORICHEWSKI

Roger Borichewski appeals the determination of the Division of Selection Services which found that he did not meet the experience requirements for the promotional examination for Administrator, Psychiatric Social Services (PS5404K), Senator Garrett W. Hagedorn Center for Geriatrics.

ACTION: The Merit System Board directed that this appeal be granted.

B-37 CHRYSTAL L. BROWN AND AMAINYUA N. PARKMAN

Chrystal L. Brown and Amainyua N. Parkman appeal the decisions of the Division of Selection Services, which found that they did not meet the experience requirements for the open competitive examination for Nursing Services Clerk (S0183E).

ACTION: The Merit System Board directed that these appeals be denied.

B-38 KENNETH R. BUDDEN, *ET AL.*

Kenneth R. Budden, Milton Figueroa, Adam H. Hand and Christopher A. Rose appeal the determinations of the Division of Selection Services which found that they did not meet the experience requirements for the open-competitive examination for Engineer in Charge of Maintenance 2 (S6613D), State of New Jersey.

ACTION: The Merit System Board directed that these appeals be denied.

B-39 MARY BURKHEAD

Mary Burkhead appeals the determination of the Division of Selection Services that she did not meet the education and experience requirements for the promotional examination for Administrative Assistant 3 (PS6521H), Department of Health and Senior Services.

ACTION: The Merit System Board directed that this appeal be granted.

B-40 DORYS CANCEL

Dorys Cancel appeals the determination of the Division of Selection Services that she did not meet the experience requirements for the open competitive examination for Human Services Specialist 2, Bilingual English/Spanish (C0363D), Middlesex County.

ACTION: The Merit System Board directed that this appeal be denied.

B-41 ELLEN CHAUNCEY

Ellen Chauncey appeals the determination of the Division of Selection Services, which found that she was below the minimum requirements in experience for the open-competitive examination for Data Base Analyst 1 (S6666E).

ACTION: The Merit System Board directed that this appeal be granted.

B-42 THOMAS J. CLARK

Thomas J. Clark, a veteran, appeals the determination of the Division of Selection Services that he did not meet the education and experience requirements for the open competitive examination for Right of Way Negotiator (S6736F), Department of Transportation.

ACTION: The Merit System Board directed that this appeal be granted.

B-43 EDWARD B. COOK

Edward B. Cook appeals the decision of the Division of Selection Services which found that he did not meet the experience requirements for the open competitive examination for Counselor, Penal Institution (C0529E), Mercer County.

ACTION: The Merit System Board directed that this appeal be denied.

B-44 LINETTE DAVILA

Linette Davila appeals the decision of the Division of Selection Services which found that she was below the minimum requirements in experience for the promotional examination for Unemployment Insurance Clerk Bilingual in Spanish & English (PS8664N), Department of Labor.

ACTION: The Merit System Board directed that this appeal be denied.

B-45 JUDITH A. DESTTRIBATS

Judith A. Destribats appeals the decision of the Division of Selection Services which found that she did not meet the experience requirements for the promotional examination for Senior Systems Analyst (PC0572E), Mercer County.

ACTION: The Merit System Board directed that this appeal be granted.

B-46 GLENN DOUGLASS AND THOMAS LEWIS

Glenn Douglass and the Communications Workers of America Local 1040 (CWA), on behalf of Thomas Lewis appeal the determination of the Division of Selection Services which found that, per the substitution clause for education, they did not meet the experience requirements for the promotional examination for Industrial Manager 2, State Use Industries (PS7400I), South Woods State Prison.

ACTION: The Merit System Board directed that these appeals be denied.

B-47 SAUNDRA DRAYTON

Saundra Drayton appeals the decision of the Division of Selection Services that found that appellant lacked the required amount of permanent status in a title to which the examination was open for Municipal Court Administrator (PM0805E), Newark.

ACTION: The Merit System Board directed that this appeal be granted.

B-48 BARBARA FINNEGAN

Barbara Finnegan appeals the determination of the Division of Selection Services that she did not meet the education and experience requirements for the promotional examination for Clinical Psychologist 1 (Mental Health Services) (PS7009T), Department of Human Services.

ACTION: The Merit System Board directed that this appeal be granted.

B-49 SARA GIBBONS

Sara Gibbons appeals the determination of the Division of Selection Services which found that she did not indicate the required license or registration on her application and that she was below the experience requirements for the open competitive examination for Motor Vehicle Operator 1 (S6679E), Department of Corrections.

ACTION: The Merit System Board directed that this appeal be denied.

B-50 ARLEEN GOLDA

Arleen Golda appeals the decision of the Division of Selection Services which found that she did not meet the experience requirements for the promotional examination for Supervising Clerk (PC1053E), Union County.

ACTION: The Merit System Board directed that this appeal be granted.

B-51 CHRISTINE HAIRSTON

Christine Hairston appeals the determination of the Division of Selection Services that she did not meet the requirements for the promotional examination for Secretarial Assistant 2, Non-Stenographic (PS6196U), Division of State Lottery, Department of the Treasury.

ACTION: The Merit System Board directed that this appeal be granted.

B-52 VALERIE L. HICKS

Valerie L. Hicks appeals the decision of the Division of Selection Services which found that she did not meet the experience requirements for the open competitive examination for Technical Assistant to the Construction Official (M0443E), Newark.

ACTION: The Merit System Board directed that this appeal be denied.

B-53 SHERRI HINCHMAN

Sherri Hinchman appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she was below the minimum requirements in experience for the promotional examination for Assistant Executive Director, Office of Aging (PC0610E), Salem County.

ACTION: The Merit System Board directed that this appeal be granted.

B-54 MICHAEL J. HRBEK

Michael J. Hrbek appeals the decision of the Division of Selection Services which found that per the substitution clause for education, he did not meet the experience requirements for the promotional examination for Director of Purchasing (PM0786E), Middletown Township.

ACTION: The Merit System Board directed that this appeal be denied.

B-55 FRANK A. JOHNSON

Frank A. Johnson appeals the decision of the Division of Selection Services which found that he did not meet the experience requirements for the open competitive examination for Public Safety Telecommunicator, State Police (S0206E).

ACTION: The Merit System Board directed that this appeal be denied.

B-56 KIM JOHNTRY

Kim Johntry appeals the determination of the Division of Selection Services that she did not meet the education and experience requirements for the promotional examination for Administrative Analyst 2 Data Processing (PS6224I), Department of Corrections.

ACTION: The Merit System Board directed that this appeal be denied.

B-57 MITCHELL A. KIRKUFF AND GEORGE OVERTON

Mitchell A. Kirkuff and George Overton appeal the determination of the Division of Selection Services which found that they did were ineligible for promotional examinations for General Supervisor Roads (PM1563D) and Road Superintendent (PM1618D), Department of Public Works, Hamilton Township.

ACTION: The Merit System Board directed that these appeals be denied.

B-58 CATHERINE M. KIRSCHNER

Catherine M. Kirschner appeals the decisions of the Division of Selection Services which found that she did not meet the experience requirements for the open competitive examinations for Transitional Customer Service Representative 3 (S0204E) and Transitional Customer Service Representative 4 (S0205E).

ACTION: The Merit System Board directed that these appeals be denied.

B-59 RONALD M. LUCANTE

Ronald M. Lucante appeals the decision of the Division of Selection Services which found that he did not meet the experience requirements for the promotional examination for Data Processing Programmer 2 (PS8042L), Banking and Insurance.

ACTION: The Merit System Board directed that this appeal be denied.

B-60 TRACY L. LYON

Tracy L. Lyon appeals the decision of the Division of Selection Services which found that she did not meet the experience requirements for the promotional examination for Quality Assurance Specialist Health Services (PS8227K), Department of Human Services.

ACTION: The Merit System Board directed that this appeal be granted.

B-61 KATHLEEN MAKRIS

Kathleen Makris appeals the determination of the Division of Selection Services that she did not meet the experience requirements for the open competitive examination for Recreation Supervisor (M0423E), Township of Bloomfield.

ACTION: The Merit System Board directed that this appeal be granted.

B-62 CAREN C. MEDINA

Caren C. Medina appeals the determination of the Division of Selection Services that she did not meet the requirements for the promotional examination for Principal Data Entry Machine Operator (PS8408I), State Parole Board.

ACTION: The Merit System Board directed that this appeal be granted.

B-63 WILLIAM A. MILES

William A. Miles appeals the decision of the Division of Selection Services which found that he did not meet the experience requirements for open competitive examination for Technical Assistant to the Construction Official (M0443E), Newark.

ACTION: The Merit System Board directed that this appeal be granted.

B-64 RAJAA' MITCHELL-BILAL

Rajaa' Mitchell-Bilal appeals the decision of the Division of Selection Services which found that she did not meet the experience requirements for the promotional examination for Principal Purchasing Assistant (PM0818E), Newark School District.

ACTION: The Merit System Board directed that this appeal be denied.

B-65 CHRISTOPHER MORRISON

Larry Krzyanowski, Personnel Assistant 1, Trenton Psychiatric Hospital, on behalf of Christopher Morrison, appeals the decision of the Division of Selection Services which found that Mr. Morrison did not meet the experience requirements for the promotional examination for Coordinator, Systems Analysis and Development (PS5896K), Trenton Psychiatric Hospital.

ACTION: The Merit System Board directed that this appeal be granted.

B-66 NADINE MOSEY

Nadine Mosey appeals the decision of the Division of Selection Services which found that she did not meet the experience requirements for the promotional examination for Principal Purchasing Assistant (PM0818E), Newark School District.

ACTION: The Merit System Board directed that this appeal be granted.

B-67 EVELYN MURPHY

Evelyn Murphy appeals the determination of the Division Selection Services which found that she was below the minimum requirements in education and experience for the promotional examination for Assistant Buyer (PS8243K), Woodbridge Developmental Center.

ACTION: The Merit System Board directed that this appeal be granted.

B-68 RONALD PAGODIN

Ronald Pagodin appeals the determination of the Division of Selection Services that he did not meet the education and experience requirements for the promotional examination for Senior Engineer Materials (PS7009T), Department of Transportation.

ACTION: The Merit System Board directed that this appeal be denied.

B-69 KAREN W. PAPPAS

Karen W. Pappas appeals the decision of the Division of Selection Services which found that she did not meet the experience requirements pursuant to an Education and Experience (E&E) Qualifying Examination for the title of Regulatory Officer 2, Department of Health and Senior Services.

ACTION: The Merit System Board directed that this appeal be granted.

B-70 JODY PITTMAN

Jody Pittman appeals the decision of the Division of Selection Services which found that per the substitution clause for education, she did not meet the experience requirements for the promotional examination for the Labor Relations Assistant (PM143D), Newark School District.

ACTION: The Merit System Board directed that this appeal be denied.

B-71 LYNN E. PITTS

Lynn E. Pitts appeals the decision of the Division of Selection Services which found that per the substitution clause for education, she did not meet the experience requirements for the promotional examination for Assistant Administrative Analyst (PC0466E), Burlington County.

ACTION: The Merit System Board directed that this appeal be denied.

B-72 JACQUELINE QUOMA

Jacqueline Quoma appeals the determination of the Division of Selection Services that she did not meet the experience requirements for the open competitive examination for Human Services Specialist 2 (C0413E), Morris County.

ACTION: The Merit System Board directed that this appeal be denied.

B-73 GREG ROMATOWSKI

Greg Romatowski appeals the determination of the Division of Selection Services which found that he was below the minimum requirements in experience for the promotional examination for Truck Driver (PM1394D), Middlesex County.

ACTION: The Merit System Board directed that this appeal be granted.

B-74 JESSICA L. SHEEHY

Jessica L. Sheehy appeals the determination of the Division of Selection Services that she did not meet the experience requirements for the promotional examination for Supervising Personnel Clerk (PM0744E), City of Linden.

ACTION: The Merit System Board directed that this appeal be granted.

B-75 PATRICIA STAFFORD

Patricia Stafford, represented by D. Gayle Loftis, Esq., appeals the determination of the Division of Selection Services, which found that she was ineligible for the promotional examination for Sheriff's Officer Captain (PC3561B), Hudson County.

ACTION: The Merit System Board directed that this appeal be denied.

B-76 KIMBERLY STALLINGS AND JOAN PYLYPIAK

Kimberly Stallings and Joan Pylypiak appeal the determinations of the Division of Selection Services which found that they were below the minimum requirements in experience for the promotional examination for Data Processing Input/Output Control Specialist 2 (PS7340G), Department of Environmental Protection (DEP).

ACTION: The Merit System Board directed these appeals be granted.

B-77 JOHN F. SWEENEY

John F. Sweeney appeals the decision of the Division of Selection Services which found that he did not meet the experience requirements for the promotional examination for General Supervisor Roads (PM0282E), Long Branch City.

ACTION: The Merit System Board directed that this appeal be denied.

B-78 RAYMOND P. TOMASZEWSKI

Raymond P. Tomaszewski appeals the decision of the Division of Selection Services which found that he did not meet the experience requirements for the promotional examination for Tree Superintendent (PM12673), Irvington.

ACTION: The Merit System Board directed that this appeal be denied.

B-79 WIOLETA TUCCILLO

Wioleta Tuccillo appeals the determination of the Division of Selection Services, which found that she did not submit the required transcript or list of courses for the open competitive examination for Microbiologist 5 (S0166E), Department of Health and Senior Services.

ACTION: The Merit System Board directed that this appeal be denied.

B-80 JONAH UMSTEAD

Jonah Umstead appeals the determination of the Division of Selection Services, which found that he was below the minimum requirements in experience for the promotional examination for Assistant Supervisor of Building Repairs (PS8293P), Division of State Police.

ACTION: The Merit System Board directed that this appeal be granted.

B-81 LARRY P. VENTRE, JR.

Larry P. Ventre, Jr., appeals the determination of the Division of Selection Services, which found that he was below the minimum requirements in experience for the promotional examination for Computer Operator 3 (PS4935D), Department of Community Affairs.

ACTION: The Merit System Board directed that this appeal be granted.

B-82 KAREN WIRZMAN

Karen Wirzman appeals the determination of the Division of Selection Services that she did not meet the experience requirements for the promotional examination for Building Management Services Specialist 1 (PS5664K), Department of Human Services.

ACTION: The Merit System Board directed that this appeal be granted.

B-83 JAN ZAWISLAK

Jan Zawislak appeals the decision of the Division of Selection Services which found that she did not meet the licensing requirements for the examination for Construction Official (S9221E).

ACTION: The Merit System Board directed that this appeal be denied.

B-84 BEVERLY BRODOWSKI

Beverly Brodowski appeals her failing score and requests a make-up of the promotional examination for Supervising Management and Operations Analyst (PS79484U), Department of the Treasury.

ACTION: The Merit System Board directed that this appeal be denied.

B-85 JESSICA BURGOS

Jessica Burgos appeals her score and requests a make-up for the promotional examination for Administrative Analyst 1 (PS7173P), Juvenile Justice Commission.

ACTION: The Merit System Board directed that this appeal be denied.

B-86 LYNN LOYER

Lynn Loyer appeals her failing score and requests a make-up of the promotional examination for Section Supervisor Fiscal Resources (PS7361H), Department of Health and Senior Services.

ACTION: The Merit System Board directed that this appeal be denied.

B-87 EDWARD PLUNKETT

Edward Plunkett appeals his score for the oral portion of the examination for Police Captain (PM3560E), Hackensack.

ACTION: The Merit System Board directed that this appeal be denied.

B-88 ANNE SCHIADAREISIS

Anne Schiadareisis appeals her score on the promotional examination for Customized Training Representative 2 (PS4693N), Department of Labor.

ACTION: The Merit System Board directed that this appeal be denied.

B-89 JOSEPH SYPHERD

Joseph Sypherd appeals his score for the oral portion of the examination for Police Captain (PM3559E), Gloucester Township.

ACTION: The Merit System Board directed that this appeal be denied.

B-90 DOLORES CORDERO

Dolores Cordero appeals the determination of the Division of Selection Services which found that she was not permanent in a title to which the promotional examination for Supervising Library Assistant (PM2027D), Jersey City, was open.

ACTION: The Merit System Board directed that this appeal be granted.

B-91 LILLIAN FOSTER

Lillian Foster appeals the administration of the open competitive examination for Senior Training Technician (S0179E).

ACTION: The Merit System Board directed that this appeal be denied.

B-92 CARMEN PEDROZA

Carmen Pedroza appeals the administration of the promotional examination for Management Assistant (PS5359H), Department of Health and Senior Services.

ACTION: The Merit System Board directed that this appeal be denied.

B-93 VITTAL SITARAM

Vittal Sitaram appeals the validity of the promotional examination for Principal Engineer, Structural Evaluation (PS7023T), Department of Transportation.

ACTION: The Merit System Board directed that this appeal be denied.

B-94 HOWARD STEIN

Howard Stein appeals the validity of the promotional examination for Hearings and Review Officer, Labor (PS2801N), Department of Labor.

ACTION: The Merit System Board directed that this appeal be denied.

B-95 STEPHANIE CICCHETTI

Stephanie Cicchetti requests that the provisions of N.J.A.C. 4A:4-2.6(a)(4) be relaxed to accept her late application for the promotional examination for Tax Clerk (PM1429E), Rockaway Township.

ACTION: The Merit System Board directed that this appeal be granted.

B-96 RECENT COURT DECISIONS

Submitted for the Board's review are copies of decisions as follows: *In the matter of Howard Doherty, Correction Sergeant, Department of Corrections (PS7099I) (Appellate Division, 4/5/04); In the matter of Susan Karpoff, Department of Corrections, County of Middlesex (Appellate Division, 4/5/04); Manuel A. Oliveira v. Northern State Prison, Department of Corrections (Appellate Division, 4/5/04); In the Matter of George Phillips (Appellate Division, 4/6/04); Dawn Steelman v. Cape May County Sheriff's Department and Atlantic County Police Training Commission (Appellate Division, 4/23/04); In the Matter of Dennis Benster (Appellate Division, 4/27/04).* Brief summaries of the cases are provided.

ACTION: The Merit System Board noted the decisions.

B-97 MERIT SYSTEM BOARD MINUTES

The minutes of the Merit System Board meeting of June 9, 2004 are submitted for adoption.

ACTION: The Merit System Board adopted the minutes.

B-98 MARIANNE OFENLOCH

The appeal of Marianne Ofenloch, a Ranger with the Department of Environmental Protection, of the bypass of her name on the eligible list for Chief Ranger 2 (PS5136G), Department of Environmental Protection, was heard by Administrative Law Judge Israel D. Dubin (ALJ), who rendered his initial decision on April 23, 2004, upholding the bypass of the appellant's name. At its meeting on June 9, 2004, the Merit System Board adopted the ALJ's recommendation. The proposed final decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the final decision.

B-99 EARLY SETTLEMENTS

Omayra Colon
County of Essex
Department of Public Safety
Suspension

Jane McNeill
North Jersey Developmental Center
Department of Human Services
Suspension

Kellie Miles
Department of Transportation
Release at the end of the working test period

ACTION: The Merit System Board acknowledged the settlements.

There being no further business before the Merit System Board, the meeting was adjourned to convene on Wednesday, July 14, 2004 at 10:00 a.m., at 3 Station Plaza, Trenton, New Jersey.

**MARGARET E. L. HOWARD
PRESIDING
MERIT SYSTEM BOARD**